

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 165

96TH GENERAL ASSEMBLY

2011

0440S.01T

AN ACT

To repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 477.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 477.650, to read as follows:

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys collected under section 488.031 shall be credited to the fund. In addition to the court filing surcharges, funds from other public or private sources also may be deposited into the fund and all earnings of the fund shall be credited to the fund. The purpose of this section is to increase the funding available for basic civil legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 Guidelines. Fund money shall be subject to all restrictions imposed on such
20 legal services organizations by law. Funds shall be allocated to the
21 programs according to the funding formula employed by the Federal Legal
22 Services Corporation for the distribution of funds to this
23 state. Notwithstanding the provisions of section 33.080, any balance
24 remaining in the basic civil legal services fund at the end of any year shall
25 not be transferred to the state's general revenue fund. Moneys in the basic
26 civil legal services fund shall not be used to pay any portion of a refund
27 mandated by article X, section 15 of the Missouri Constitution. State legal
28 services programs shall represent individuals to secure lawful state benefits,
29 but shall not sue the state, its agencies, or its officials, with any state funds.

30 3. Contracts for services with state legal services programs shall
31 provide eligible low-income Missouri citizens with equal access to the civil
32 justice system, with a high priority on families and children, domestic
33 violence, the elderly, and qualification for benefits under the Social Security
34 Act. State legal services programs shall abide by all restrictions,
35 requirements, and regulations of the Legal Services Corporation regarding
36 their cases.

37 4. The Missouri supreme court, or a person or organization
38 designated by the court, is the administrator and shall administer the fund
39 in such manner as determined by the Missouri supreme court, including in
40 accordance with any rules and policies adopted by the Missouri supreme
41 court for such purpose. Moneys from the fund shall be used to pay for the
42 collection of the fee and the implementation and administration of the fund.

43 5. Each recipient of funds from the basic civil legal services fund
44 shall maintain appropriate records accounting for the receipt and
45 expenditure of all funds distributed and received pursuant to this
46 section. These records must be maintained for a period of five years from
47 the close of the fiscal year in which such funds are distributed or received
48 or until audited, whichever is sooner. All funds distributed or received
49 pursuant to this section are subject to audit by the Missouri supreme court
50 or the state auditor.

51 6. The Missouri supreme court, or a person or organization
52 designated by the court, shall, by January thirty-first of each year, report
53 to the general assembly on the moneys collected and disbursed pursuant to

54 this section and section 488.031 by judicial circuit.

55 7. The provisions of this section shall expire on December 31, [2012]

56 2018.

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Unofficial

Bill

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